

FISCAL MEMORANDUM

SB 139 – HB 106

April 26, 2007

SUMMARY OF AMENDMENT (007258): Deletes the original bill in its entirety. Increases the penalty for the offense of allowing a dog to run at large from a Class C misdemeanor in all cases to a Class B misdemeanor if a victim suffers property damage. If bodily injury occurs, the offense will be punishable as a Class A misdemeanor. If serious bodily injury or bodily injury to more than one person occurs, the offense will be punishable as a Class E felony. If death occurs, the offense would be a Class D felony.

FISCAL IMPACT OF ORIGINAL BILL:

*Increase State Expenditures - \$52,700 / Incarceration**

Increase Local Govt. Revenues – Not Significant

Increase Local Govt. Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- According to the Administrative Office of the Courts, there has been an average of four trial court convictions for the offense of allowing dogs to run at large for the past five years. Total convictions, including general sessions courts, are estimated to be an average of 40 per year. The Department of Correction (DOC) estimates that 10 percent (4) would be punished as Class E felonies under this bill.
- Four persons will be convicted for the offense of allowing dogs to run at large that results in serious bodily injury or bodily injury to more than one person in the first year as a result of this bill. No significant incarceration cost increase will occur due to population growth in this period.
- Four offenders will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The additional operating cost for 4 offenders per year is \$26,369.32 (\$6,592.33 x 4).

- Two persons will be convicted for the Class D offense of allowing dogs to run at large that results in death in the first year as a result of this bill. The cost per inmate is \$13,184.06 (\$60.16 x 219.15 days). The additional operating cost for two offenders per year is \$26,368.12 (\$13,184.06 x 2).
- There will not be a sufficient additional number of prosecutions for local governments to experience any significant increase in revenues or expenditures.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC